PATENT COOPERATION TREATY

PCT

TRANSLATION INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference M/44135-PCT			ence	FOR FURTHER A	CTION	See Form PCT/IPEA/416
International application No.				International filing da	te (day/month/year)	Priority date (day/month/year)
PCT/EP2004/012231			2231	28.10.200	4	29.10.2003
Internati	ional Pa	tent Classificat	tion (IPC) or nati	onal classification and	IPC	
D06	P3/3	32, D06	P1/38, 0	C09B62/453		
Applica		/m T EN / C E	CET T CC111	. T. T.		
BAS	r Ar	TENGE	SELLSCH	AF T		
1.	1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.					
2.	This R	REPORT consi	sts of a total of	6	sheets, including	this cover sheet.
3.	This re	eport is also ac	companied by A	NNEXES, comprising:		
	a.	(sent to t	he applicant and	to the International Bu	reau) a total of 2	sheets, as follows:
		She she	ets of the descrip	otion, claims and/or dra	wings which have been a	mended and are the basis for this report and/or
			ets containing red tructions).	ctifications authorized l	by this Authority (see Rul	le 70.16 and Section 607 of the Administrative
			-			siders contain an amendment that goes beyond
		the Box		e international applicati	ion as filed, as indicated	in item 4 of Box No. I and the Supplemental
	ь. Г	\ \(\text{(sent to t)} \)	he International	Bureau only) a total of	(indicate type and number	of electronic carrier(s))
	, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see					
		Section 802	2 of the Administ	rative Instructions).		
4.	4. This report contains indications relating to the following items:					
	\boxtimes	Box No. I	Basis of the	report		
		Box No. II	Priority			
		Box No. III	Non-establi	shment of opinion with	regard to novelty, inventi	ive step and industrial applicability
		Box No. IV		ty of invention	•	
	$\overline{\boxtimes}$	Box No. V		•	35(2) with regard to novel	ty, inventive step or industrial applicability;
		DON TOO. Y	citations and	d explanations supporti	ng such statement	
	Ц	Box No. VI	Certain doc	uments cited		
	\sqcup	Box No. VII	Certain defe	ects in the international	application	
		Box No. VII	I Certain obs	ervations on the interna	tional application	
Date of submission of the demand				Date of completion of thi	s report	
Name and mailing address of the IPEA/EP				Authorized officer		
Facsimile No.					Telephone No.	

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/EP2004/012231

Box	No. I	I Basis of the report		
1.		h regard to the language, this report is based on the internaticated under this item.	onal application in the language in	which it was filed, unless otherwise
		This report is based on translations from the original langum which is the language of a translation furnished for the pure international search (Rule 12.3 and 23.1(b)) publication of the international application (Rule 12.	poses of:	·
		international preliminary examination (Rule 55.2 and		
2.	rece	h regard to the elements of the international application, the elving Office in response to an invitation under Article 14 a report): the international application as originally filed/furnished the description:	s report is based on (replacement :	
		pages 1-214		as originally filed/furnished
		pages*		
		pages*		_
	\boxtimes	the claims:	_	_
		nos. 2-12,14-20		as originally filed/furnished
		nos.*		
		nos.* 1,13		29.10.2005 with letter
		nos.**		_
	П	the drawings:	_	
		sheets		as originally filed/furnished
		sheets*		
		sheets*	_	
	П	a sequence listing and/or any related table(s) – see Supple:	_	_
	\exists		mental Box Relating to Sequence L	asung.
3.	ш	The amendments have resulted in the cancellation of:		
		the claims, nos.		
4			1	
4.	Ш	This report has been established as if (some of) the amer they have been considered to go beyond the disclosure as		
		the description, pages		
		the claims, nos.		
		the drawings, sheets/figs		
		the sequence listing (specify):		
		any table(s) related to sequence listing (specify):		
*	If ite	em 4 applies, some or all of those sheets may be marked "su	perseded."	

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.
PCT/EP2004/012231

Box No. V		Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement						
1.	Statement							
	Novelty	(N)	Claims	1-20	_ YES			
			Claims		_ NO			
	Inventive	step (IS)	Claims	1-20	_ YES			
					_ NO			
	Industria	l applicability (IA)	Claims	1-20	YES			
			Claims		_ NO			
2.	Citations and	d explanations (Rule 70	0.7)					
	1	This repor	t ma	kes reference to the following				
		document:						
		D1: EP-A-	-0 88	7 386 (CIBA SPECIALTY CHEMICALS				
		HOLDI	NG I	NC) 30 December 1998 (1998-12-30)				
	2	INDEPENDEN	IT CL	AIM 1				
		D1 is cons	sider	ed to be the prior art closest to				
		the subjec	ct ma	tter of claim 1. D1 (see dye of				
		formula 10) 5 an	d dying instructions II to V)				
		discloses	a me	thod of dying cotton fabrics at a pH				
		value abov	re 11	by means of a dye which contains				
		activatabl	e gr	oups that correspond to formula A of				
		the preser	nt cl	aim 1.				
		Thus the s	subje	ct matter of claim 1 differs from				
		the known	meth	od in that leather is dyed, and in				
		that the c	lying	process takes place at a pH value				
		of 7.5 to	11.					
		The subjec	ct ma	tter of 1 is therefore novel (PCT				
		Article 33	3 (2))					
		The proble	em to	be solved by the present invention				

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

can therefore be regarded as that of providing a method for dying leather.

The solution to this problem as proposed in claim 1 of the present application involves an inventive step to the following reasons (PCT Article 33(3)): D1 states that the dyes described therein are suitable for dying leather (see page 8, lines 18-24); however, a person skilled in the art would dye the leather according to the examples in D1, i.e. at a pH value of above 11, or under conditions typical for leather, i.e. at slightly acidic pH values. The applicant has shown in additional experiments that the use of dye F at slightly acidic pH values leads to leather with poor perspiration resistance, whereas the use of dye F at pH values between 7.5 and 11 leads to leather with better perspiration resistance. In contrast thereto, dying leather under the conditions specified in D1 (10 g/l calcinated soda) damages the leather.

3 DEPENDENT CLAIMS 2 TO 12

Claims 2 to 12 are dependent on claim 1 and therefore also meet the PCT requirements for novelty and inventive step.

4 INDEPENDENT CLAIM 13

D1 is considered to be the prior art closest to the subject matter of claim 13. D1 (see dye of formula 105 and dying instructions II to V) discloses the use of dyes F according to the

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Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
	present claim 1 for dying cotton fabrics at a pH
	value above 11.
	Thus the subject matter of 13 differs from the
	known use in that leather is dyed, and in that the
	dying process is carried out at a pH value of 7.5
	to 11.
	The subject matter of claim 13 is therefore novel
	(PCT Article 33(2)).
	The subject matter of claim 13 involves an
	inventive step for the reasons mentioned above.
5	INDEPENDENT CLAIMS 14 AND 15
	D1 is considered to be the prior art closest to
	the subject matter of claims 14 and 15. D1 (see
	<pre>page 2, lines 20-38, and dye of formula 105)</pre>
	discloses dyes from which the subject matter of
	claims 14 and 15 differs in that the group ${ m Tk}^1$ is a
	diphenyl, diphenylmethane, 2-phenylimidazol,
	phenylsulfonylbenzene, phenylaminosulfonylbenzene,
	diphenylamine, stilbene or
	phenylaminocarbonylbenzene group.
	The subject matter of claims 14 and 15 is
	therefore novel (PCT Article 33(2)).
	The problem to be solved by the present invention
	can therefore be regarded as that of providing
	alternative dyes.

The solution to this problem as proposed in claims 14 and 15 of the present application involves an

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Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

inventive step for the following reasons (PCT Article 33(3)): D1 does not mention anything that would suggest using the aforementioned Tk^1 groups instead of the (optionally substituted) phenyl group mentioned in D1 in the dye.

6. DEPENDENT CLAIMS 16 TO 18

Claims 16 to 18 are dependent on claims 14 or 15 and therefore also meet the PCT requirements for novelty and inventive step.

7. INDEPENDENT CLAIMS 19 AND 20

The applicant has shown in additional experiments that the method according to the present claim 1 leads to leather with better perspiration resistance.

The subject matter of claims 19 and 20 is therefore novel (PCT Article 33(2)).

The subject matter of claims 19 and 20 involves an inventive step for the reasons mentioned above.